

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

THREASTON WARREN, JR., et al.,

Plaintiffs,

v.

ALBERT FISHER, III, et al.,

Defendants.

Civil Action  
No. 10-5343 (JBS/KMW)

**ORDER**

This matter having come before the Court on a motion for reconsideration [Docket Item 101] and a motion to amend [Docket Item 106] brought by Plaintiffs Threaston Warren, Jr., Marjorie Warren, and Continental Aggregate Corp., LLC; and on the motion for attorneys' fees [Docket Item 100] brought by Defendants Albert W. Fisher, III, Joseph J. Hannagan, Jr., and Robert Howell; for the reasons stated in the Opinion of today's date; and for good cause shown;

IT IS this 20th day of December, 2013 hereby

ORDERED that the motion for reconsideration is DENIED; and  
it further

ORDERED that the motion to amend is GRANTED in part and  
DENIED in part; amendment of Count 1 (class-of-one) and Count 2  
(selective enforcement) is permitted on the grounds that  
Defendants subjected Plaintiffs to unequal treatment related to

inspections of Plaintiffs' property; amendment of Count 3 (conspiracy) is denied; amendment is permitted for claims against Defendants in their official capacities, as the Court makes no determination of whether Plaintiffs extinguished those claims in their settlement with the Township of Quinton; and it is further

ORDERED that Plaintiffs shall redact the proposed Third Amended Complaint to eliminate proposed claims that are denied above, and to present proposed claims that are granted above, and file the Third Amended Complaint within fourteen (14) days of the entry of this Order; and it is further

ORDERED that Defendants' motion for attorneys' fees is DENIED.

**s/ Jerome B. Simandle**  
JEROME B. SIMANDLE  
Chief U.S. District Judge